

RESOLUTION NO. 20110310-006

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those real property interests but has been unable to agree with the owner on the damages thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: MP Braker, LP

Project: Braker at IH 35 TSM Project

Public Purpose: Right-of-Way dedication for the public purpose of alleviating traffic congestion by permitting the public to enter, exit, and re-enter the tract of land described in the attached Exhibit A; and

A temporary construction easement for the public purpose of permitting the City, its agents, employees and contractors to enter, exit, and re-enter the tract

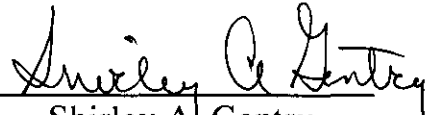
of land described in the attached Exhibit B to construct an additional turning lane to Braker Lane at IH 35 which will alleviate traffic congestion.

Location: 611 East Braker Lane, Austin, Texas

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: March 10, 2011

ATTEST:


Shirley A. Gentry
City Clerk

LEGAL DESCRIPTION

FOR A 0.015 OF AN ACRE (640 SQUARE FOOT) TRACT OF LAND OUT OF THE JOHN APPLIGAIT SURVEY NO. 58, ABSTRACT NO. 29, TRAVIS COUNTY, TEXAS, BEING PORTION OF A CALLED 1.74 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED APRIL 13, 2000 TO MP BRAKER, L.P. RECORDED IN DOCUMENT NO. 2000056544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, SAID 0.015 ACRE (640 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a 3/8 inch iron rod found, having Texas State Plane Coordinate (Texas Central Zone, NAD83(HARN93), U.S. Feet, Combined Scale Factor 0.99991) values of N=10111010.68, E=3133791.01, on the south right-of-way line of East Braker Lane (ROW width varies) in the west line of said 1.74 acre tract, being also the east line of LOT B, W.M. GEPHART SUBDIVISION, as shown on the plat recorded in Volume 16, Page 20 of the Plat Records of Travis County, Texas, for the northwest corner hereof;

THENCE along the south right-of-way line of said East Braker Lane, with the following two (2) courses and distances:

1. **S 64° 04' 10" E** a distance of **116.24 feet** to a 1/2 inch iron rod found with aluminum cap for the point of curvature hereof;
2. Along a curve to the left with radius of **725.00 feet**, an arc length of **72.38 feet**, central angle of **05° 43' 11"**, and a chord that bears **S 67° 07' 44" E** a distance of **72.35 feet** to a 1/2 inch iron rod found with aluminum cap on the east line of said 1.74 acre tract, being also the west boundary line of LOT1, C.L. DANIEL, JR. SUBDIVISION as shown on the plat recorded in Volume 59, Page 87 of the Plat Records of Travis County, Texas, at the northwest corner of a called 0.804 acre tract described in a Warranty Deed with Vender's Lien dated July 28, 2004 to Braker Properties, L.L.C. recorded in Document No. 2004145505 of the Official Public Records of Travis County, Texas, for the northeast corner hereof;

THENCE along the east line of said 1.74 acre tract, being also the west line of said 0.804 acre tract and said LOT 1, **S 27° 29' 48" W** a distance of **5.07 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for the southeast corner hereof, from which a 1/2 inch iron rod found at the southwest corner of said 0.804 acre tract, being also the southwest corner of LOT 3 of said C.L. DANIELS, JR SUBDIVISION, bears **S 27° 29' 48" W** a distance of **211.05 feet**;

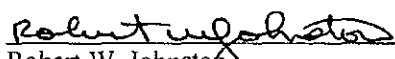
ROW Dedication
MP Braker, LP
C.I.P. 8581-2507-9243

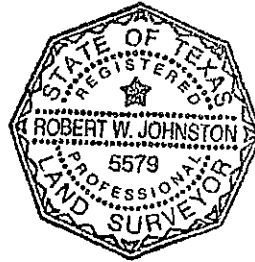
THENCE departing the east line and crossing said 1.74 acre tract, the following four (4) courses and distances:

1. Along a curve to the right with a radius of **808.50 feet**, an arc length of **70.90 feet**, central angle of **05° 01' 29"**, and a chord that bears **N 66° 43' 44" W** a distance of **70.88 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for the point of tangency hereof;
2. **N 64° 13' 00" W** a distance of **9.99 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap for the point of curvature hereof;
3. Along a curve to the right with a radius of **308.50 feet**, an arc length of **14.75 feet**, central angle of **02° 44' 23"**, and a chord that bears **N 62° 50' 49" W** a distance of **14.75 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for the point of tangency hereof; and
4. **N 61° 28' 33" W** a distance of **92.90 feet** to the **POINT OF BEGINNING**, containing 0.015 acres (640 square feet) of land.

Bearing basis is grid north for the Texas Central Zone (4203) NAD 83/93 HARN.

Surveyed under the direct supervision of the undersigned during July, 2007:

 2/13/2008
Robert W. Johnston
Registered Professional Land Surveyor No. 5579
BAKER-AICKLEN & ASSOCIATES, INC.
405 Brushy Creek Road
Cedar Park, Texas 78613
(512) 244-9620

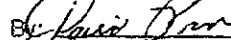


Job No. 0020-2-046-11
Filename: W:\PROJECTS\COA\BRAKER LN@111-35\EASEMENT\F-NOTES\0.015AC.DOC

REFERENCES

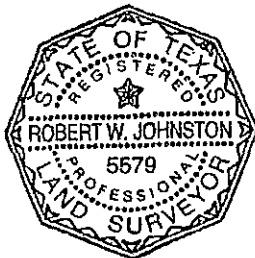
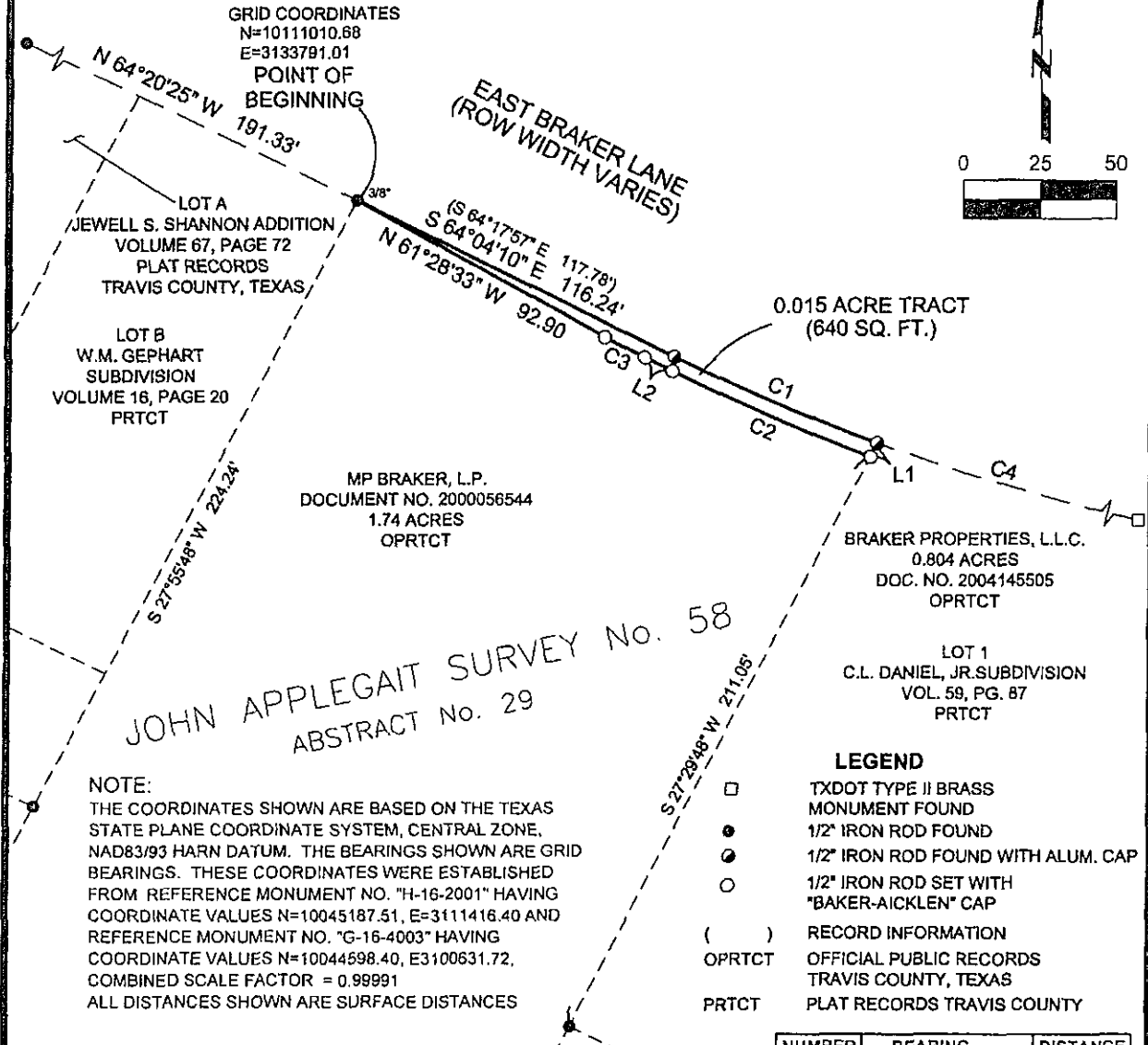
TCAD No. 02-4623-05-03
Austin Grid MM-31

FIELD NOTES REVIEWED

By  Date 2/14/08

Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



NUMBER	RADIUS	ARC	CEN. ANGLE	CH. BRG.	CHORD
C1	725.00'	72.38'	05°43'11"	S 67°07'44" E	72.35'
(C1)	(725.00')	(72.36')	(05°43'07")	(S 67°09'30" E)	(72.33')
C2	808.50'	70.90'	05°01'29"	N 66°43'44" W	70.88'
C3	308.50'	14.75'	02°44'23"	N 62°50'49" W	14.75'
C4	725.00'	100.60'	07°57'00"	S 73°57'49" E	100.52'

DATE: AUG. 09, 2007
JOB NO.: 0020-2-046-11
BY: RWJ
PAGE 3 OF 3

BAKER-AICKLEN & ASSOCIATES, INC.
Engineers • Surveyors • GIS • Planning

405 DRUSHY CREEK RD.
CEDAR PARK, TX 78613
(512) 250-3700

LEGAL DESCRIPTION

FOR A 0.065 OF AN ACRE (2829 SQUARE FOOT) TRACT OF LAND OUT OF THE JOHN APPLGAI SURVEY NO. 58, ABSTRACT NO. 29, TRAVIS COUNTY, TEXAS, BEING PORTION OF A CALLED 1.74 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED APRIL 13, 2000 TO MP BRAKER, L.P. RECORDED IN DOCUMENT NO. 2000056544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, SAID 0.065 ACRE (2829 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a 3/8 inch iron rod found, having Texas State Plane Coordinate (Texas Central Zone, NAD83(HARN93), U.S. Feet, Combined Scale Factor 0.99991) values of N=10111010.68, E=3133791.01, on the south right-of-way line of East Braker Lane (ROW width varies) in the west line of the 1.74 acre tract, being also the east line of LOT B, W.M. GEPHART SUBDIVISION, as shown on the plat recorded in Volume 16, Page 20 of the Plat Records of Travis County, Texas, for the northwest corner hereof;

THENCE departing the south right-of-way line of said East Braker Lane, and crossing said 1.74 acre tract, with the following four (4) courses and distances:

1. **S 61° 28' 33" E** a distance of **92.90 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for a point of curvature hereof;;
2. Along a curve to the left with a radius of **308.50 feet**, an arc length of **14.75 feet**, central angle of **02° 44' 23"**, and a chord that bears **S 62° 50' 49" E** a distance of **14.75 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for a point of tangency hereof;
3. **S 64° 13' 00" E** a distance of **9.99 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap for a point of curvature hereof; and
4. Along a curve to the left with radius of **808.50 feet**, an arc length of **70.90 feet**, central angle of **05° 01' 29"**, and a chord that bears **S 66° 43' 44" E** a distance of **70.88 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap on the east line of said 1.74 acre tract, being also the west line of LOT 1, C.L. DANIELS, JR. SUBDIVISION as shown on the plat thereof recorded in Volume 59, Page 87 of the Plat Records of Travis County, being also the west line of a called 0.804 acre tract described in a Warranty Deed with Vender's Lien dated July 28, 2004 to Braker Properties, LLC recorded in Document No. 2004145505 of the Official Public Records of Travis County, Texas, for the northeast corner hereof, from which a 1/2 inch iron rod found with aluminum cap in the south right-of-way line of East Braker Lane, at the northwest corner of said 0.804 acre tract, bears **N 27° 29' 48" E** a distance of **5.07 feet**;

THENCE along the east line of said 1.74 acre tract, being also the west line of said LOT 1, being also the west line of said 0.804 acre tract, S 27° 29' 48" W a distance of 15.10 feet to a calculated point for the southeast corner hereof, from which a 1/2 inch iron rod found at the southwest corner of LOT 3 of said C.L. DANIELS, JR. SUBDIVISION, being also the southwest corner of said 0.804 acre tract bears S 27° 29' 48" W a distance of 195.95 feet;

THENCE departing the east line and crossing said 1.74 acre tract, the following four (4) courses and distances:

1. Along a curve to the right with a radius of 823.50 feet, an arc length of 70.45 feet, central angle of 04° 54' 05", and a chord that bears N 66° 40' 03" W a distance of 70.43 feet to a calculated point, for a point of tangency hereof;
2. N 64° 13' 00" W a distance of 9.99 feet to a calculated point for a point of curvature hereof;
3. Along a curve to the right with a radius of 323.50 feet, an arc length of 15.47 feet, central angle of 02° 44' 23", and a chord that bears N 62° 50' 49" W a distance of 15.47 feet to a calculated point, for a point of tangency hereof;
4. N 61° 28' 33" W a distance of 92.74 feet to a calculated point on the west line of said 1.74 acre tract, being also the east line of said LOT B, W.M. GEPHART SUBDIVISION, for the southwest corner hereof, from which a 1/2 inch iron rod found in the west line of said 1.74 acre tract bears S 27° 55' 48" W a distance of 209.24 feet;

THENCE along the west line of said 1.74 acre tract, being also the east line of said LOT B, W.M. GEPHART SUBDIVISION, N 27° 55' 48" E a distance of 15.00 feet to the **POINT OF BEGINNING**, containing 0.065 acres (2829 square feet) of land.

Bearing basis is grid north for the Texas Central Zone (4203) NAD 83/93 HARN.

Surveyed under the direct supervision of the undersigned during July, 2007:

Robert W. Johnston 2/13/2008
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Registered Professional Land Surveyor No. 5579
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Job No.: 0020-2-046-11

Filename: W:\PROJECTS\COA\BRAKER LN@IH-35\EASEMENT\F-NOTES\0.065AC.DOC

REFERENCES

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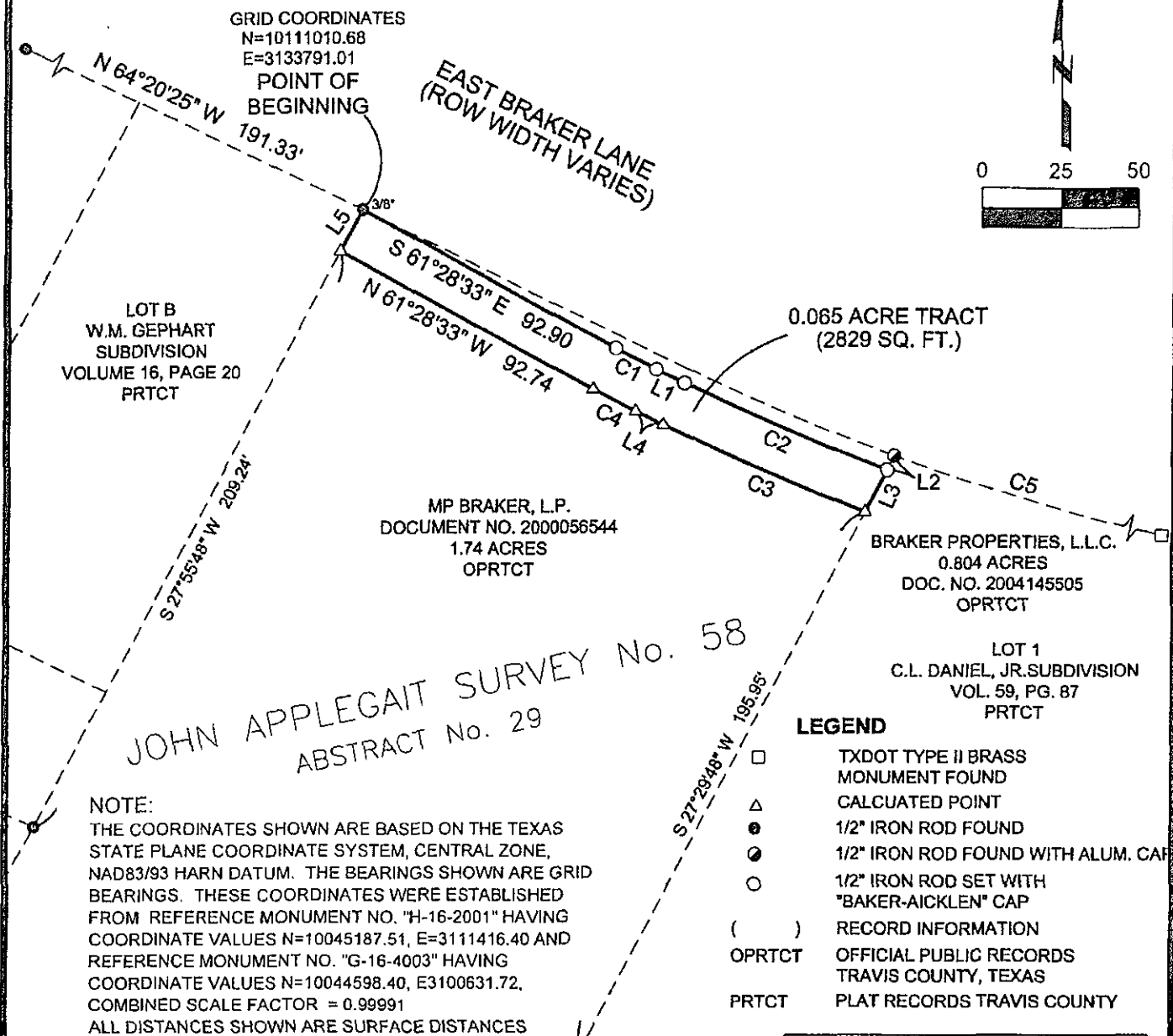
Austin Grid MM-31

FIELD NOTES REVIEWED

By Dan R. [Signature] Date 2/14/08

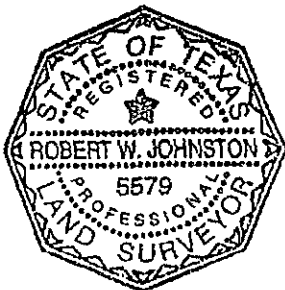
Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



NUMBER	BEARING	DISTANCE
L1	S 64°13'00" E	9.99'
L2	N 27°29'48" E	5.07'
L3	S 27°29'48" W	15.10'
L4	N 64°13'00" W	9.99'
L5	N 27°55'48" E	15.00'

NUMBER	RADIUS	ARC	CEN. ANGLE	CH. BRG.	CHORD
C1	308.50'	14.75'	02°44'23"	S 62°50'49" E	14.75'
C2	808.50'	70.90'	05°01'29"	S 66°43'44" E	70.88'
C3	823.50'	70.45'	04°54'05"	N 66°40'03" W	70.43'
C4	323.50'	15.47'	02°44'23"	N 62°50'49" W	15.47'
C5	725.00'	100.60'	07°57'00"	S 73°57'49" E	100.52'



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